

Magistrate Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TRENTON M. PERRY,

Defendant.

No. CR18-5113

FINDINGS AND ORDER ACCEPTING
DEFENDANT FOR DEFERRED
PROSECUTION, APPROVING
TREATMENT PLAN, AND
DIRECTING DEFENDANT TO TAKE
TREATMENT AS PRESCRIBED

THIS MATTER, coming on for hearing this 30 day of Oct, 2018 upon the defendant's Petition for Deferred Prosecution; the defendant appearing in person and by James B. Feldman, Attorney at Law; the United States of America being represented by Barbara Sievers, Assistant United States Attorney; the Court, having examined and incorporated into the record Petitioner's Petition and Statement in support of deferred prosecution, the evaluation and treatment report prepared by STOP, and the files and records herein, being fully advised in the premises, does now make and enter the following:

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1 I. FINDINGS OF FACT

2 A. On or about the 13th day of March, 2018 , Petitioner was charged with the
3 offense/offenses charged in the Information. This offense occurred as a direct result of
4 alcoholism/chemical dependency problems;

5 B. Petitioner suffers from an alcohol/drug problem and is in need of
6 treatment;

7 C. The probability of similar misconduct in the future is great if the problem
8 is not treated;

9 D. Petitioner is amenable to treatment;

10 E. An effective rehabilitative treatment plan is available to Petitioner
11 through STOP, an approved treatment facility as designated by the laws of the State of
12 Washington, and Petitioner agrees to be liable for all costs of this treatment program;

13 F. That Petitioner agrees to comply with the terms and conditions of the
14 program offered by the treatment facility as set forth in the diagnostic evaluation from
15 STOP, attached to Statement of Petitioner filed herewith, and that Petitioner agrees to
16 be liable for all costs of this treatment program;

17 G. That Petitioner has knowingly and voluntarily stipulated to the
18 admissibility and sufficiency of the facts as contained in the written police report
19 attached to Statement of Petitioner filed herewith.

20 H. That Petitioner has acknowledged the admissibility of the stipulated facts
21 in any criminal hearing or trial on the underlying offense or offenses held subsequent to
22 revocation of this Order Granting Deferred Prosecution and that these reports will be
23 used to support a finding of guilt;

24 I. That Petitioner has acknowledged and waived the right to testify, the right
25 to a speedy trial, the right to call witness to testify, the right to present evidence in his
26 or her defense, and the right to a jury trial;

1
2 From the foregoing FINDINGS OF FACT, the Court draws the following:

3 II. CONCLUSIONS OF LAW

4 A. That the above-entitled Court has jurisdiction over the subject matter and
5 Petitioner Trenton M. Perry , in this case;

6 B. That Petitioner's Petition for Deferred Prosecution meets the requirements
7 of RCW 10.05 et seq.;

8 C. That the diagnostic evaluation and commitment to treatment meets the
9 requirements of RCW 10.05.150;

10 D. That Petitioner is eligible for deferred prosecution.

11 III. ORDER

12 Having made and entered the foregoing FINDINGS OF FACT and
13 CONCLUSIONS OF LAW, it is hereby

14 ORDERED that the defendant is accepted for deferred prosecution. The
15 prosecution of the above-entitled matter is hereby deferred for five (5) years pursuant to
16 RCW 10.05 et seq., upon the following terms and conditions:

17 A. Petitioner shall be on probation for the deferral period and follow the
18 rules and regulations of probation;

19 B. Petitioner shall enroll in and successfully complete the two-year treatment
20 program recommended by STOP according to the terms and conditions of that plan as
21 outlined in the diagnostic evaluation, a true copy of which is attached to the Petition
22 and incorporated herein by reference. Petitioner shall not change treatment agencies
23 without prior Probation approval;

24 C. The treatment facility, STOP, shall file with the United States Probation
25 Office status reports of Petitioner's compliance with treatment, monthly during the first
26

1 year of the deferred prosecution period and every three (3) months during the second
2 year. The Court may increase the frequency of these reports at its discretion;

3 D. Petitioner shall notify U.S. Probation within 72 hours of any residence
4 change.

5 E. Petitioner shall abstain during the deferred prosecution period from any
6 and all consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

7 F. Petitioner shall not operate a motor vehicle on the public highways
8 without a valid operator's license and proof of liability insurance sufficient to comply
9 with the state laws on financial responsibility;

10 G. Petitioner shall be law abiding and shall not commit any alcohol/drug
11 related offenses or other criminal offenses during the period of deferral,

12 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
13 questioned, or cited by Law Enforcement;

14 I. In the event that Petitioner fails or neglects to carry out and fulfill any
15 term or condition of his treatment plan or violates any provision of this Order or any
16 rule or regulation of his probation officer, upon receiving notice, the Court shall hold a
17 hearing to determine why Petitioner should not be removed from deferred prosecution
18 and prosecuted for the offense/offenses charged;

19 J. In the event the Court finds cause to revoke this deferred prosecution, the
20 stipulated police reports shall be admitted into evidence, and Petitioner shall have her
21 guilt or innocence determined by the Court;

22 K. That the statement of Petitioner for Deferred Prosecution shall remain
23 sealed, and all subsequent reports or documents relating to her treatment information
24 shall be sealed, to maintain confidentiality of Petitioner's treatment information;

25 L. That the Department of Licensing be notified of this Order accepting the
26 Petitioner for deferred prosecution;

1 M. Upon proof of Petitioner's successful completion of five years deferral
2 period in this Order, the Court shall dismiss the charges pending against Petitioner.

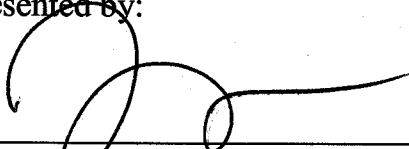
3 N. Additional conditions:

4 *The defendant may travel out of state and out of country as necessary for his*
5 *employment(military service) following completion of alcohol*
6 *treatment* _____
7 _____
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9

10 DONE IN OPEN COURT this 30 day of October, 2018.

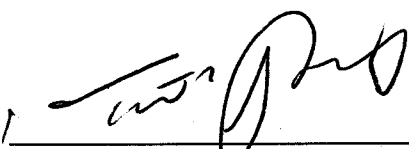
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12 
13 _____
14 UNITED STATES MAGISTRATE JUDGE

15 Presented by:

16 
17 _____
18 James B. Feldman
Attorney for Petitioner

19 I have received a copy of the foregoing Order of Deferred Prosecution. I have
20 read and understand its contents, and agree to abide by the terms and conditions set
21 forth herein.

22 Dated: 10-30-18

23 
24 _____
25 Trenton M. Perry
26 Petitioner

1 I certify that a copy of this signed Order was mailed to the subject treatment
2 facility, on October 30, 2018. The United States Probation Office was also
3 furnished a copy of this Order.

4 Keely A. Miller
5 Clerk